STATUTORY INSTRUMENTS

2015 No. 1641

DEREGULATION

The Deregulation Act 2015 (Insolvency) (Consequential Amendments and Transitional and Savings Provisions) Order 2015

Made - - - -	*1st September 2015*
Laid before Parliament	*4th September 2015*
Coming into force - -	*1st October 2015*

The Secretary of State, in exercise of the powers conferred by section 112(1), (2) and (4) of the Deregulation Act 2015(**1**), makes the following Order.

Citation, interpretation and commencement

1. This Order may be cited as the Deregulation Act 2015 (Insolvency) (Consequential Amendments and Transitional and Savings Provisions) Order 2015.

2. In this Order—

"the Act" means the Deregulation Act 2015;

"the 1986 Act" means the Insolvency Act 1986(**2**); and

"the transitional period" means the period of one year beginning with on 1st October 2015.

3. This Order comes into force on 1st October 2015.

Consequential amendments to secondary legislation

4. Schedule 1 to this Order has effect, subject to the savings provisions in articles 8 and 9.

5. Schedule 2 to this Order has effect.

6. Schedule 3 to this Order has effect subject to the savings provisions in article 10.

(**1**) 2015 c.20.
(**2**) 1986 c. 45.

Transitional and savings provisions

7.—(1) Where, during the transitional period, the Secretary of State grants an application made, before 1st October 2015, by an individual for authorisation to act as an insolvency practitioner pursuant to section 393 of the 1986 Act, the individual to whom authorisation is granted must, as soon as reasonably practicable, pay to the Secretary of State a fee in connection with the maintenance of the authorisation.

(2) The fee shall be calculated by multiplying £2400 by the number of days the authorisation has to run (starting with the date of authorisation and ending on 30th September 2016) and dividing the result by 365.

8.—(1) Subject to paragraph (2), the amendments made by article 4 of, and Schedule 1 to, this Order have no effect for the duration of the transitional period in relation to an individual who before the 1st October 2015—

(a) has applied for authorisation to act as an insolvency practitioner under section 392 of the 1986 Act and that application has not been granted, refused or withdrawn; or

(b) holds an authorisation so to act granted under section 393 of the 1986 Act.

(2) The reference in paragraph (1) to Schedule 1 to this Order does not include paragraphs 3(2), 4(3), 5(3) and 5(5) of that Schedule.

9.—(1) Where during the transitional period section 393(3A) of the Insolvency 1986 Act applies to an authorisation to act as an insolvency practitioner by virtue of paragraph 23(2) of Schedule 6 to the Act, and the insolvency practitioner has not requested or consented to a withdrawal of the authorisation, the revocation of regulation 11 of the Insolvency Practitioners Regulations 2005(**3**) by article 4 of, and paragraphs 5(1) and (5) of Schedule 1 to, this Order shall have no effect.

(2) During the transitional period the Secretary of State may request that the holder of an authorisation granted by the Secretary of State to act as an insolvency practitioner provide any information relating to any matters of the kind referred to in paragraph (1) of regulation 11 of the Insolvency Practitioners Regulations 2005 and any such request must be complied with within one month of its receipt or within such longer period as the Secretary of State may allow.

10. The revocations and amendments made by paragraph 1 of Schedule 3 to this Order have no effect in relation to a deed of arrangement registered under section 5 of the Deeds of Arrangement Act 1914(**4**) before 1st October 2015 if, immediately before that date, the estate of the debtor who executed the deed of arrangement has not been fully wound up.

Anna Soubry
Minister of State for Small Business, Industry and Enterprise
Department for Business, Innovation and Skills

1st September 2015

(**3**) S.I. 2005/524; relevant amending instruments are 2009/2748, 2009/3081, 2015/391.
(**4**) 1914 c. 47.

SCHEDULES

SCHEDULE 1 Article 4

AMENDMENTS TO SECONDARY LEGISLATION IN CONSEQUENCE OF SECTION 17 OF, AND PART 6 OF SCHEDULE 6 TO THE ACT, SUBJECT TO SAVINGS

The Insolvency Practitioners Tribunal (Conduct of Investigations) Rules 1986

1. The Insolvency Practitioners Tribunal (Conduct of Investigations) Rules 1986(**5**) are revoked.

The Solicitors Recognised Bodies Order 1991

2.—(1) The Solicitors Recognised Bodies Order 1991(**6**) is amended as follows.

(2) In Schedule 1, in respect of the Insolvency Act 1986 omit "and Schedule 7".

The Limited Liability Partnership Regulations 2001

3.—(1) The Limited Liability Partnership Regulations 2001(**7**) are amended as follows.

(2) In Schedule 3, omit the entry in respect of section 389 A.

(3) Omit paragraph 9 of Part 2 of Schedule 6.

The Insolvency Practitioners and Insolvency Services Account (Fees) Order 2003

4.—(1) The Insolvency Practitioners and Insolvency Services Account (Fees) Order 2003(**8**) is amended as follows.

(2) Omit article 3(1), (1A), (2), (3), (4) and (5).

(3) Omit article 3(3A).

(4) Omit article 4.

The Insolvency Practitioners Regulations 2005

5.—(1) The Insolvency Practitioners Regulations 2005 are amended as follows.

(2) In regulation 2(1) for the meaning of insolvency practitioner substitute "a person who is authorised to act as an insolvency practitioner under section 390A of the Act".

(3) Omit regulation 4(2).

(4) Omit regulations 5, 6, 7, 8, 8A and 9.

(5) Omit regulation 11.

(6) For regulation 12(3) substitute "Where, in accordance with sections 390(2) and 390A(2)(b) of the Act a person is qualified to act as an insolvency practitioner by virtue of an authorisation granted by the Department of Enterprise, Trade and Investment for Northern Ireland under Article

(**5**) S.I. 1986/952.
(**6**) S.I. 1991/2684, amended by S.I. 2009/500; there are other amending instruments but none is relevant.
(**7**) S.I. 2001/1090; relevant amending instruments are S.I. 2004/355, 2005/1989.
(**8**) S.I. 2003/3363; relevant amending instruments are S.I. 2004/476, 2009/487 and 2009/3081.